

AN ORDINANCE BY

FINANCE/EXECUTIVE COMMITTEE

03-0-1203

AN ORDINANCE AUTHORIZING THE CITY OF ATLANTA TO WAIVE SECTIONS 2-1189 AND 2-1193 OF ARTICLE X, PROCURMENT AND REAL ESTATE CODE, OF THE CITY OF ATLANTA CODE OF ORDINANCES FOR THIS INSTANCE ONLY ON A MONTH-TO-MONTH BASIS, NOT TO EXCEED SIX (6) MONTHS, TO OBTAIN SERVICES FOR THE DEPARTMENT OF CORRECTIONS UNDER THE CONTRACT WITH SWANSON INMATE COMMISSARY SERVICES, INC. ON THE SAME TERMS AND CONDITIONS AS THE PREVIOUSLY EXPIRED AGREEMENTS; PROVIDING THAT IN ALL INSTANCES SUCH INTERIM ARRANGEMENTS SHALL EXPIRE ONCE NEW CONTRACTS BECOME EFFECTIVE; TO WAIVE CONFLICTING ORDINANCES FOR THIS INSTANCE ONLY; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") entered into those certain agreements listed in Exhibit "A," attached and made a part hereof ("Agreements"); and

WHEREAS, the terms of the Agreements have expired; and

WHEREAS, the contractors under those Agreements have continued to provide services to the City under the existing contracts on a month-to-month basis; and

WHEREAS, on July 21, 2003, the Atlanta City Council authorized by Resolution to waive Sections 2-1189 and 2-1193 of Article X, Procurement and Real Estate Code, of the City of Atlanta Code of Ordinances for this temporary continuation of the business relationships until such time as the competitive procurement process could be completed; and

WHEREAS, the goods and services provided under said Agreements are of such a nature as to be integral to the function of the City of Atlanta and its citizens; and

WHEREAS, an inability to obtain the goods and services could place the operations of City government in peril; and

WHEREAS, the City deems it necessary and in the best interests of the City to provide for the continuation of the services from the existing contractors on a month-to-month for a limited time until new contracts become effective or until the services are cancelled by the City upon thirty (30) days prior written notice to the contractors; and

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby ordains as follows:

**SECTION 1.** The Mayor is authorized to continue the following services on a month-to-month basis for a period not to exceed the times specified in Exhibit "A," under the same terms and conditions, until new contracts become effective or until the services are cancelled by the City upon thirty (30) days prior written notice to the respective contractor:

**FC-6876-97, SWANSON INMATE COMMISSARY SERVICES, INC.**

**SECTION 2.** All other terms and conditions of the expired contracts for the goods and services identified in Section One of this ordinance shall continue in full force and effect.

**SECTION 3.** The Chief Financial Officer is authorized to remit or accept payment, as appropriate, for the goods and services identified in Section One of this ordinance.

**SECTION 4.** The Mayor is authorized, on behalf of the City, to take any other and further action and to execute, acknowledge, accept and/or deliver any other and further instruments, documents and assurances as deemed desirable and appropriate to consummate the temporary transactions authorized by this ordinance and to effectuate the terms, purposes and intent of this ordinance.

**SECTION 5** All ordinances in conflict herewith are waived for this instance only.